

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

MARIE A. FRANCIA,

Plaintiff,

v.

No. 1:20-cv-00785-KK

N.M. WORKFORCE SOLUTIONS,

Defendant.

MEMORANDUM OPINION AND ORDER FOR AMENDED COMPLAINT

THIS MATTER comes before the Court on *pro se* Plaintiff's Motion in Response to Show Cause, Doc. 9, filed September 30, 2020 ("Response").

After Plaintiff's employment with the Albuquerque Police Department was terminated, she filed for unemployment benefits. *See* Complaint, Doc. 1, filed August 4, 2020. Defendant Workforce Solutions denied Plaintiff unemployment benefits. Plaintiff appealed to state district court which affirmed Defendant Workforce Solutions' denial of benefits. Plaintiff then filed the Complaint in this case asserting civil rights violations and seeking unemployment benefits.

The Court notified Plaintiff that the *Rooker-Feldman* doctrine bars federal courts from hearing cases where the relief requested would undo the state court's judgment and ordered Plaintiff to either file an amended complaint or show cause why this case should not be dismissed as barred by the *Rooker-Feldman* doctrine. *See* Doc. 5, filed August 6, 2020.

In her response to the Order to Show Cause, Plaintiff argues that:

the issue presented in this case is an issue never argued or ruled on by the lower [sic] court. Plaintiff is not attempting to overturn the State Court rather Plaintiff is merely exerting [sic] her Due Process right involving her claim to unemployment benefits from the Albuquerque Police Department being illegally denied Plaintiff by New Mexico Workforce Solutions.

Response at 2.

Plaintiff's Response appears to contradict the factual allegations in her Complaint. The Court orders Plaintiff to file an amended complaint which clearly describes Defendant's denial of unemployment benefits, the issues before the state district court, and the state district court's rulings. Plaintiff shall submit a copy of the following with the amended complaint: (i) the decisions by Defendant Workforce Solutions denying benefits; (ii) Plaintiff's appeal filed in state district court; and (iii) the state court's Memorandum Opinion Affirming the Decision of the Secretary of the Department of Workforce Solutions.

IT IS ORDERED that Plaintiff shall, within 14 days of entry of this Order, file an amended complaint with copies of the documents listed above. Failure to timely file an amended complaint and the listed documents may result in dismissal of this case.



KIRTAN KHALSA
UNITED STATES MAGISTRATE JUDGE